

Decision 00-09-010 September 7, 2000

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the  
Commission's Own Motion into the Deaveraging  
of Unbundled Network Element Rates within at  
Least Three Geographic Regions of the State of  
California Pursuant to Federal Communications  
Commission Rule 47 C.F.R. § 51.507(f).

Investigation 00-03-002  
(Filed March 2, 2000)

**O P I N I O N**

The Order Instituting Investigation stated that "we anticipate holding evidentiary hearings to examine disputed issues of fact." (Mimeo., page 7.) The May 31, 2000 Scoping Memo and Ruling of Assigned Commissioner Wood, however, adopted a recommendation made by parties in the May 18, 2000 Joint Case Management Statement.

Parties recommended that no evidentiary hearings be held. Rather, parties proposed that the record be composed of proposals, comments, and reply comments filed and served according to a jointly recommended schedule. As a result, the Scoping Memo ruled that evidentiary hearings are not required, and stated that Article 2.5 shall cease to apply if that determination is affirmed by the Commission.

We have reconsidered our determination regarding the need for hearings. No evidentiary hearings are needed.

### **Comments on Draft Decision**

The draft decision of the Administrative Law Judge in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. No comments were filed.

## **O R D E R**

### **IT IS ORDERED** that:

1. This proceeding does not require that an evidentiary hearing be held.
2. Under Rule 6.5, this order is a final determination that a hearing is not needed in this proceeding.
3. Ex parte communications shall be permitted, as provided in Rule 7(e). In all other respects, the rules and procedures in Article 2.5 of the Commission's Rules shall cease to apply to this proceeding. The schedule, scope of issues, and other matters contained in the May 31, 2000 Scoping Memo and Ruling, however, shall continue to apply.

This order is effective today.

Dated September 7, 2000, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
CARL W. WOOD  
Commissioners